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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Atsunari TSUDA

Group Art Unit: 2674

Application No.: 09/937,561

Examiner: Abbas I. Abdulselam

Filed: September 27, 2001

Docket No.: 110373

For: ELECTRO-OPTICAL APPARATUS AND METHOD OF DRIVING THE SAME

REQUEST FOR RECONSIDERATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the November 16, 2004 Office Action, reconsideration of the rejection is respectfully requested in light of the following remarks.

Claims 1-14 are pending. Reconsideration based on the following remarks is respectfully requested.

I. The Claims Define Allowable Subject Matter

The Office Action rejects claims 1-14 under 35 U.S.C §103 as unpatentable over U.S. Patent No. 6,140,983 to Quanrud in view of U.S. Patent No. 6,677,991 to Ito and U.S. Patent No. 6,618,201 to Nishikawa et al. The rejection is respectfully traversed.

Nishikawa and the present application are commonly assigned to Seiko Epson Corporation. Further, Nishikawa can only constitute prior art under 35 U.S.C §102(e), since it was filed on August 27, 2001 and issued on September 9, 2003 (the present application entered the U.S. National Stage on September 27, 2001, and claims priority from a PCT Application filed on January 29, 2001, which in turn claims priority from a foreign priority

document dated January 31, 2000). Since Nishikawa is commonly assigned and only constitutes prior art under §102(e), it cannot be applied as the basis of a §103 rejection.

Withdrawal of the rejection under 35 U.S.C. §103 is respectfully requested.

II. Conclusion

For at least these reasons, it is respectfully submitted that this application is in condition for allowance.

Should the Examiner believe anything further is desirable in order to place the application in even better condition for allowance, the Examiner is invited to contact Applicant's representative at the telephone number listed below.

Respectfully submitted,



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JAO:RBI/fpw

Date: December 9, 2004

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